

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4281 OF 2006

Tata Motors Limited] .. Petitioner

Versus

1. Pimpri Chinchwad Municipal Corpn.]
& 3 ors.] .. Respondents

Mr. A.K. Abyuankar, senior counsel, with Mr. P.S. Dani, H.N. Vakil, & D.D. Mehta i/b M/s. Mulla & Mulla and Cragie Blunt & Caroe for the petitioner.

Mr. N.V. Walawalkar, senior counsel with Mr. R.D. More for the respondent No.1.

Mrs. M.P. Thakur, AGP, for the respondent No.4.

CORAM: S.B. MHASE, &
R.S. MOHITE, JJ.

DATED: 04TH JUNE, 2007

P.C. :

. Heard both sides.

2. Mr. N.V. Walawalkar, the learned senior counsel for the Municipal Corporation makes a statement, on instructions, that the impugned Demand Notices at Exhibit-N and Exhibit-O may be allowed to be withdrawn with liberty to make an appropriate enquiry in respect of the period covered by those Notices, if necessary,

and thereafter to issue a fresh Demand Notice if any amount is found due.

3. Mr. A.K. Abhyankar, the learned senior counsel states that he has no objection for grant of liberty to withdraw the demand Notices. However, he submitted that in the fresh enquiry which is to be conducted he should be heard and the Corporation shall pass a well reasoned order and if any adverse order is passed, the said order shall not be executed for a period of six weeks thereafter. Mr. N.V. Walawalkar states that the reasoned order will be passed after hearing the parties and after scrutinizing the respective records available with the parties. He further states that the Demand Notice, if given after the enquiry, will not be executed for a period of six weeks thereafter. In view of these concessions given by both the senior counsel, we pass the following order:

(a) Liberty is granted to the Corporation to withdraw the impugned Demand Notices with a further liberty to make an appropriate enquiry in respect of the import and export of the goods of the petitioner for the period covered under the said Notices.

(b) We hereby direct that the said enquiry shall be carried out after giving an appropriate opportunity to the respective parties.

(c) If any amount is found to be due after enquiry and a fresh Demand Notice is issued, the said Demand Notice shall not be executed by the Corporation for a period of six weeks thereafter so as to enable the petitioner to approach the appropriate forum as permissible under law.

(d) In view of the fact that the Corporation has withdrawn the Demand Notices, we grant liberty to the petitioner to withdraw the Writ Petition with liberty to approach this Court or any other appropriate forum, if the occasion so arises.

(e) Writ Petition stands disposed of as withdrawn.

Sd/-
[R.S. MOHITE, J.]

Sd/-
[S.B. MHASE, J.]